

Part 2

Domesticated Elk Facilities and Licenses

4-39-201 Fencing, posts, and gates.

- (1) Each domesticated elk facility shall, at a minimum, meet the requirements of this section and shall be constructed to prevent the movement of domesticated elk into or out of the facility.
- (2)
 - (a) All perimeter fences and gates shall be:
 - (i) a minimum of eight feet above ground level; and
 - (ii) constructed of hi-tensile steel.
 - (b) At least the bottom four feet shall be mesh with a maximum mesh size of 6" x 6".
 - (c) The remaining four feet shall be mesh with a maximum mesh size of 12" x 6".
- (3) The minimum wire gauge shall be 14-1/2 gauge for a 2 woven hi-tensile fence.
- (4) All perimeter gates at the entrances of domesticated elk handling facilities shall be locked, with consecutive or self-closing gates when animals are present.
- (5) Posts shall be:
 - (a)
 - (i) constructed of treated wood which is at least four inches in diameter; or
 - (ii) constructed of a material with the strength equivalent of Subsection (5)(a)(i);
 - (b) spaced no more than 30 feet apart if one stay is used, or 20 feet apart if no stays are used; and
 - (c) at least eight feet above ground level and two feet below ground level.
- (6) Stays, between the posts, shall be:
 - (a) constructed of treated wood or steel;
 - (b) spaced no more than 15 feet from any post; and
 - (c) at least eight feet above ground level, and two feet below ground level.
- (7) Corner posts and gate posts shall be braced wood or its strength equivalent.

Amended by Chapter 378, 2010 General Session

4-39-202 General facility requirements.

- (1)
 - (a) Internal handling facilities shall be capable of humanely restraining an individual animal and to facilitate:
 - (i) the application or reading of any animal identification;
 - (ii) the taking of blood or tissue samples; and
 - (iii) any other required or necessary testing procedure.
 - (b) A domesticated elk facility shall be properly constructed to protect inspection personnel while they are handling the domesticated elk.
- (2) The domesticated elk facility owner shall provide ample signage around the facility indicating that it is a domesticated elk facility, so that the public is put on notice that the animals are not wild elk.

Enacted by Chapter 302, 1997 General Session

4-39-203 License required to operate a domesticated elk facility.

- (1) A person may not operate a domesticated elk facility without first obtaining a license from the department.
- (2)
 - (a) Each application for a license to operate a domesticated elk facility shall be accompanied by a fee.
 - (b) The fee shall be established by the department in accordance with Section 63J-1-504.
- (3) Each applicant for a domesticated elk facility license shall submit an application providing all information in the form and manner as required by the department.
- (4)
 - (a) No license shall be issued until the department has inspected and approved the facility.
 - (b) The department shall:
 - (i) notify the Division of Wildlife Resources at least 48 hours prior to a scheduled inspection so that a Division of Wildlife Resources representative may be present at the inspection; and
 - (ii) provide the Division of Wildlife Resources with copies of all licensing and inspection reports.
- (5) Each separate location of the domesticated elk operation shall be licensed separately.
- (6)
 - (a) If a domesticated elk facility is operated under more than one business name from a single location, the name of each operation shall be listed with the department in the form and manner required by the department.
 - (b) The department shall require that a separate fee be paid for each business name listed.
 - (c) If a domesticated elk facility operates under more than one business name from a single location, the facility shall maintain separate records.
- (7) Each person or business entity with an equity interest in the domesticated elk shall be listed on the application for license.
- (8) Each domesticated elk facility license shall expire on July 1 in the year following the year of issuance.
- (9) Each licensee shall report to the department, in the form and manner required by the department, any change in the information provided in the licensee's application or in the reports previously submitted, within 15 days of each change.
- (10) Licenses issued pursuant to this section are not transferable.

Amended by Chapter 183, 2009 General Session

4-39-204 Inspection of domesticated elk.

Following the issuance of a license, the licensee shall have each domesticated elk inspected within 60 days following the stocking of the facility.

Enacted by Chapter 302, 1997 General Session

4-39-205 License renewal.

- (1) To renew a license, the licensee shall submit to the department:
 - (a) an inspection certificate showing that:
 - (i) the domesticated elk, on the domesticated elk facility, have been inspected and certified by the department for health, proof of ownership, and genetic purity; and
 - (ii) the facility has been properly maintained as provided in this chapter during the immediately preceding 60-day period; and
 - (b) a record of each purchase of domesticated elk and transfer of domesticated elk into the facility, which shall include the following information:

- (i) name, address, and health approval number of the source;
 - (ii) date of transaction; and
 - (iii) number and sex.
- (2)
- (a) If the application for renewal is not received on or before April 30, a late fee will be charged.
 - (b) A license may not be renewed until the fee is paid.
- (3) If the application and fee for renewal are not received on or before July 1, the license may not be renewed, and a new license shall be required.

Amended by Chapter 378, 2010 General Session

4-39-206 Records to be maintained.

- (1) The following records and information shall be maintained by a domesticated elk facility for a period of five years:
- (a) records of purchase, acquisition, distribution, and production histories of domesticated elk;
 - (b) records documenting antler harvesting, production, and distribution; and
 - (c) health certificates and genetic purity records.
- (2) For purposes of carrying out the provisions of this chapter and rules promulgated under this chapter and, at any reasonable time during regular business hours, the department shall have free and unimpeded access to inspect all records required to be kept.
- (3) The department may make copies of the records referred to in this section.

Amended by Chapter 378, 2010 General Session

4-39-207 Inspection of facilities.

- (1) The department may conduct pathological or physical investigations at any domesticated elk facility to ensure compliance with this chapter.
- (2) For purposes of carrying out the provisions of this chapter and rules promulgated under this chapter and, at any reasonable time during regular business hours, the department shall have free and unimpeded access to inspect all buildings, yards, pens, pastures, and other areas in which any domesticated elk are kept, handled, or transported.
- (3) The department shall notify the Division of Wildlife Resources prior to an inspection so that a Division of Wildlife Resources representative may be present at the inspection.

Enacted by Chapter 302, 1997 General Session